

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Thalassa R.,

No. 21-cv-2696 (KMM/ECW)

Plaintiff,

v.

ORDER

Carolyn Colvin, Acting Commissioner of
Social Security,

Defendant.

This matter is before the Court on the Report and Recommendation (“R&R”) issued by United States Magistrate Judge Elizabeth Cowan Wright on December 6, 2024. In the R&R, Judge Wright recommends that Plaintiff’s Counsel’s Motion for Attorney’s Fees under 42 U.S.C. § 406(b) be granted. There have been no objections to the R&R. In the absence of objections, the Court reviews an R&R for clear error. *Nur v. Olmsted Cnty.*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Having reviewed the R&R and the entire record in this matter, the Court finds no error and accepts the R&R in full.

Accordingly, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (Doc. 31) is ACCEPTED.
2. Plaintiff’s Counsel’s Motion for Attorney’s Fees under 42 U.S.C. § 406(b) (Doc. 25) is GRANTED.

3. Plaintiff's counsel is AWARDED \$28,316.75 for reasonable attorney's fees under 42 U.S.C. § 406(b) out of Plaintiff's past-due benefits in accordance with agency policy.
4. In accordance with 42 U.S.C. § 406(b) and *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), Plaintiff's counsel shall refund to Plaintiff the amount of \$9,154.00, which represents the Equal Access to Justice Act fees previously awarded to counsel (Doc. 24), within 14 days of receipt of the \$28,316.75 from the Commissioner.

Date: January 27, 2025

s/Katherine Menendez

Katherine Menendez
United States District Judge